

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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**JOHN M. DEWEY, et al.,**

**Plaintiffs,**

**v.**

**VOLKSWAGEN OF AMERICA, INC.,  
et al.,**

**Defendants.**

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**JACQUELINE DELGUERCIO,**

**Plaintiff,**

**v.**

**VOLKSWAGEN OF AMERICA, INC.,  
et al.,**

**Defendants.**

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**Civil Action No. 07-2249(FSH)**

**Civil Action No. 07-2361(FSH)**

**ORDER ON INFORMAL APPLICATION**

This matter having come before the Court by way of submission dated May 14, 2010, regarding: (a) the defendants' request for: (1) plaintiffs' counsel's time and expense records; (2) the data and programs their experts' used to reach their conclusions about the value of the settlement; and (3) depositions of experts who may offer certifications in support of their valuation and/or fee petition; and (b) plaintiffs' request for confirmation discovery;

and the Court having conducted a telephone conference on the record on May 18, 2010;

and the Court having considered the submissions, the arguments of counsel, the record of proceedings, and governing law;

and for the reasons set forth on the record;

and for good cause shown,

IT IS on this 18<sup>th</sup> day of May, 2010

ORDERED that, no later than **May 24, 2010**, the plaintiffs shall produce for inspection by defense counsel only, and without waiver of any alleged privilege or work product assertion pursuant to Fed. R. Evid. 502(d), their counsel's billing records/time sheets and document reflecting the expenses for which they intend to seek compensation in their fee petition,

IT IS FURTHER ORDERED that, no later than **June 2, 2010**, the plaintiffs shall produce the reports/certifications and supporting spreadsheets of the experts that they intend to offer in support of the final approval and/or fee petition;

IT IS FURTHER ORDERED that plaintiffs' fee petition shall be submitted no later than **June 9, 2010** and the defendants' response shall be filed no later than **June 29, 2010**;

IT IS FURTHER ORDERED that the request to depose experts whose declarations are being offered at trial is granted and all expert depositions shall be completed no later than **June 21, 2010**;

IT IS FURTHER ORDERED that, no later than **May 21, 2010**, the defendants shall produce documented confirmation of the number of vehicles in the Class (based on the number of VIN's counted and included by VWGOA);

IT IS FURTHER ORDERED that based upon the representation that the defendants produced updated data for the P9 and JU service actions and updated warranty claims date for all Class Vehicles on May 17, 2010, no court action will be taken on the request to compel production of this information;

IT IS FURTHER ORDERED that because the defendants declined to provide discovery

in response to demands seeking documents concerning their valuation of the settlement, they may not offer their own expert to prove valuation but the defendants may challenges to the basis or conclusions plaintiffs' offers for the Court to determine the reasonableness of the settlement or fees' request;

IT IS FURTHER ORDERED that counsel shall visit the Chambers of the Undersigned periodically to ensure that they have received copies of letters from all objectors/opt outs;

IT IS FURTHER ORDERED that the plaintiffs' request for sanctions is denied;

IT IS FURTHER ORDERED that if the plaintiffs intend to offer expert evidence in support of their application for fees or final approval, then those experts shall provide live testimony at the final approval hearing; and

IT IS FURTHER ORDERED that all other deadlines shall remain unchanged.

s/Patty Shwartz

**UNITED STATES MAGISTRATE JUDGE**